

## REMARKS

Applicant hereby submits a Request For Continued Examination. Non-entry of the After Final Amendment filed on February 1, 2005 is requested as the remarks herein incorporate those made in the previous amendment.

Claims 1-19 are pending in the application. Claims 1-19 are rejected. Independent claims 1 and 14 have been amended to clarify features of the invention that distinguish over the prior art.

Reconsideration and allowance of claims 1-19 is respectfully requested in view of the following remarks noting these distinctions over the prior art.

*Claims Rejections – 35 U.S.C. § 102*

Claims 1-3 and 5-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by May, et al. (U.S. Patent No. 5,544,354). This statutory rejection indicates that the Examiner believes each and every limitation found within the claims is taught within the May '354 patent.

The Examiner acknowledges the validity of the argument made below by applicants in their response to the First Office Action:

Turning to the next grounds of rejection, claims 1-3 and 5-19 are rejected as being anticipated by the May '354 patent. Applicants reading of the patent suggests that the user interface presents logic 'OR' media content (satisfying any one of the top-level categories selected by the user) rather than logic 'AND' (satisfying ALL of the top-level categories selected). May '354 refers to the top-level categories instead as a "top level matrix" where a user may navigate to a particular cell (see, e.g., FIG. 9). Col. 18, lines 18-39 appear to show that duplicates -- that is, media content that appear in multiple categories such as "HBO Specials" and "Sci-Fi" -- are eliminated so that viewer would have no record or indicator that particular content satisfies both categories selected.

Column 18, lines 27-32, explicitly describes combining all contents below a given level, and eliminating duplicates. May, et al. describes a visual interface for searching a hierarchical tree containing movie and other information. The May system is based upon selection of a single item at each level of the hierarchy -- not two or more as in pending claim 14 -- then displaying the contents of all elements below the level of the selected item. Column 17, lines 39-45 in reference to FIG. 5 explicitly describes the selection of a single cell and acting upon the elements related to that cell. This is in contrast with the present invention as claimed, which examines the contents of each category, and eliminates ALL EXCEPT duplicates (that is, perform an AND operation). That is, the present method describes the selection of two or more top-level elements, following which a search is made.

(Applicants Response to 1<sup>st</sup> OA dated August 20, 2004)

Whether the Examiner believes the argument to be persuasive or not is, respectfully, besides the point. The proper inquiry under §102(b) is whether the claim limitation is taught in the May '354 patent. Applicants respectfully submit that the following claim limitations are, *inter alia*, not found within the May '354 patent:

- (1) *May '354 does not teach the step of "allowing selection under control of the processor by a user of two or more top-level categories from the list of categories stored in memory;"*

Examples of this step in the present application are shown in FIGs. 3 and 4 (below):

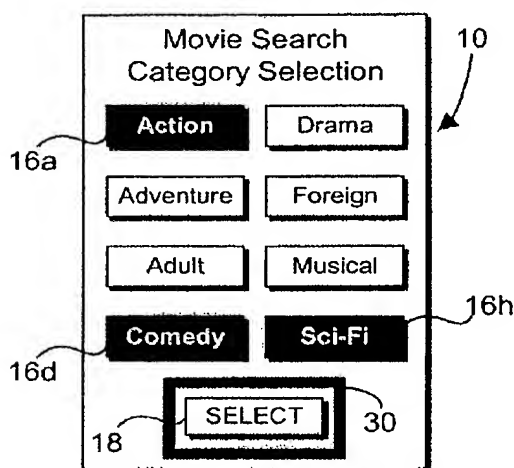


FIG. 3

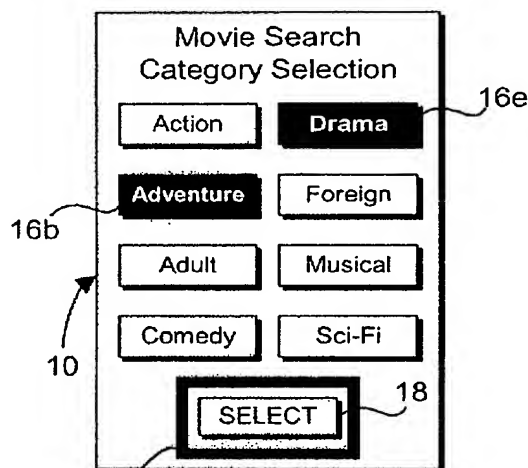


FIG. 4

Step 40 in FIG. 6 allows a user to select from the top-level category list and only moves on to the compile step 44 when the select button is activated. Accordingly, more than one top-level category may be selected as shown in the above figures.

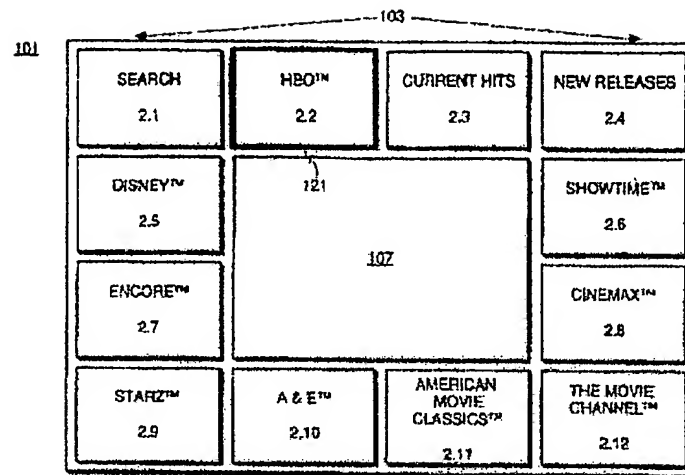
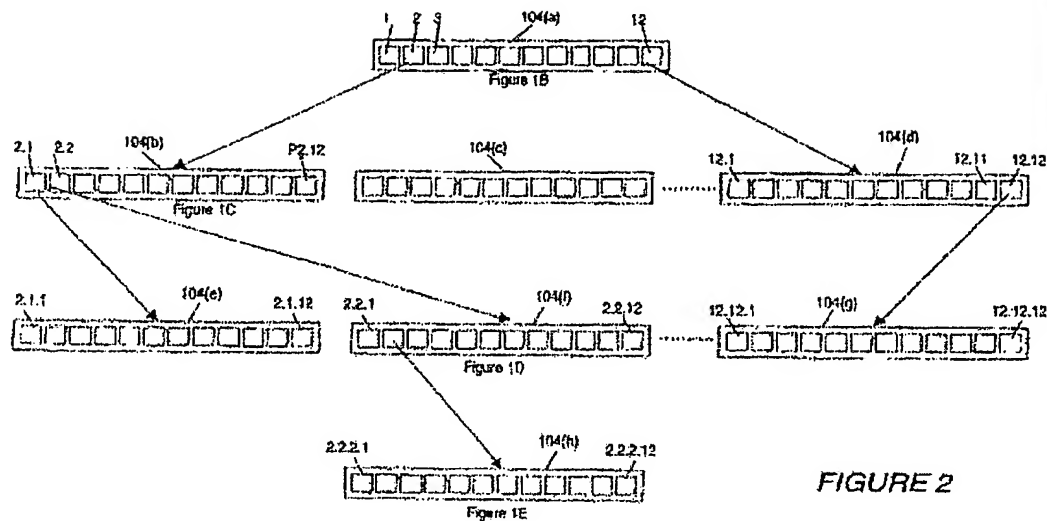


FIGURE 1C

Contrast this with Figure 1C of the May '354 patent (above) where ONLY the HBO™ top level domain 121 is selected. In fact, there is no indication within May '354 that more than one top-level domain may be selected at any one time. Instead, once the top-level domain HBO™ is selected or “focused” in the May '354 patent, the display moves to the matrix shown in Figure 1D (see, *e.g.*, col. 18, lines 17-39) which lists the HBO movie types – the Figure 1D list is a nested matrix and not a top-level category list. Further in May '354 (col. 18, lines 53-57), “these further searches are concatenated, such that the results of each search further narrow the list of titles, thus allowing the viewer to more easily identify a specific cell.” In other words, each search screen selection (Figures 1C, 1D, and 1E) result in an additional search rather than a single compile.

A further example of how only one item from a presented list may be selected at one time under the May '354 patent is found in its Figure 2 (below):



The hierarchal database illustrated in May '354 would not properly operate to allow selection of two or more categories from any presented list (e.g., from a top level list such as from Figure 1B). Note in Figure 1B, for instance, selection of element 2 leads the user to a selection from screen 104(b), whereas selection of element 12 from Figure 1B would lead to screen 104(d). There is no explicit disclosure or suggestion of what would happen if BOTH elements 2 and 12 were selected. No such disclosure can now be imparted to May '354.

The Examiner noted in the Advisory Action dated March 8, 2005 that the original claim language of independent claims 1 and 14 does not state that the 'selecting' step "accrue in a single compile." The claims have been amended to incorporate features that explicitly claim such a feature. Applicants again note that May's system is hierarchical and would not enable selection of two or more top level categories on a single screen upon which a single compile step is performed. The step is therefore not taught and rejection under §102(b) would be inappropriate.

In conclusion, May '354 does not teach the step of allowing selection of two or more top-level categories from a list of such categories since the concatenated search in May '354 allows selection of only one top-level category and then a lower-level category using a linearized subtree. Even if May '354 were broadly read to include such a feature, there is not teaching of taking selection of such categories and then obtaining results using a single compile (e.g. selecting multiple categories and performing the compile once the 'select' button is selected).

(2) *May '354 does not teach the step of, "selecting for presentation to the user . . . a sub-list of only those media content items associated with all of the two or more top-level categories selected by the user;"*

The May '354 patent only allows selection or "focusing" by a user on only one top-level category. Although various sub-level categories may be selected (e.g., "Specials" within the HBO top-level category), this is not akin to associating content with multiple top-level categories. In fact, the user of the May '354 interface must work through various nested screens before arriving at the single selected choice. This use of nested tables is the point of the May '354 invention. The nested tables do not present "top-level" categories – only sub-categories. One knowledgeable in the database arts would not stretch the meaning of May '354 to read on the claimed language of the present invention.

As May does not teach the step of selecting for presentation the sublist of media content associated with all of the two or more top-level categories selected by the user, removal of the §102(b) rejection is required.

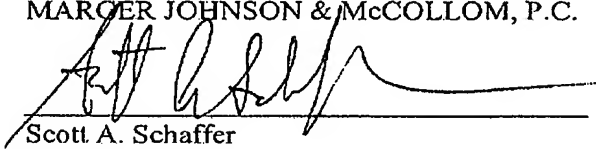
*Claims Rejections – 35 U.S.C. § 103*

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over May et al. in view of Swix, et al. (U.S. Patent No. 6,718,551) where Swix teaches the "adult" media category. As noted above, since not all elements of the claims are taught in the prior art of record, rejection under §103(a) is inappropriate. Removal of the rejection is respectfully requested.

For the foregoing reasons, allowance of claims 1-19 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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